

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Donovan and Anna Dyrdal,

Petitioners,

Civ. No. 10-1970 (RHK/RLE)

ORDER

v.

Enbridge (U.S.), Inc.,

Respondent.

This matter is before the Court *sua sponte*. Petitioners Donovan and Anna Dyrdal commenced this action against Respondent Enbridge (U.S.), Inc. (“Enbridge”), seeking modification, and then confirmation, of an arbitration award. They later amended their Petition to add a claim under the Hazardous Liquid Pipeline Safety Act, 49 U.S.C. § 60101 *et seq.* A hearing on the Petition is currently scheduled for August 25, 2010.

On July 19, 2010, Enbridge moved to dismiss this action for lack of subject-matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1); it noticed a hearing on its Motion for the same day as the hearing on the Dyrdals’ Petition, August 25, 2010. Pursuant to District of Minnesota Local Rule 7.1(b)(2), the Dyrdals’ response to the Motion was due no later than August 4, 2010 (21 days prior to the August 25 hearing). To date, no response has been filed.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** as follows:

1. The hearing on the Petition and Enbridge's Motion to Dismiss, currently scheduled for August 25, 2010, is **CONTINUED** to September 10, 2010, at 10:00 am in Courtroom 1 of the Gerald W. Heaney Federal Building and United States Courthouse and Customhouse, 515 West First Street, Duluth, Minnesota;

2. The Dyrdals shall serve and file a Memorandum in Opposition to Enbridge's Motion to Dismiss on or before August 20, 2010. Failure to timely serve and file such a Memorandum will result in the dismissal of this action for lack of subject-matter jurisdiction; and

3. Enbridge may serve and file a Reply Memorandum, if any, in support of its Motion on or before August 27, 2010.¹

Date: August 9, 2010

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge

¹ Nothing in this Order should be construed to modify the deadlines for briefing on the Dyrdals' Petition.